

Date Enacted:
01/19/1981

TOWNSHIP OF RAY

MACOMB COUNTY, MICHIGAN

ORDINANCE NO. 45

RAY TOWNSHIP HAYRIDE ORDINANCE

TITLE

AN ORDINANCE regulating hayrides on the streets, roadways and highways located in the Township of Ray, prescribing safety requirements setting forth equipment specifications for vehicles used in the operation of hayrides and imposing penalties for violations thereof and repealing all ordinances or parts thereof in conflict with the provisions of this ordinance.

THE TOWNSHIP BOARD OF THE TOWNSHIP OF RAY, MACOMB COUNTY, MICHIGAN, ORDAINS:

SECTION 1. SHORT TITLE

This Ordinance may be known and cited as the "Ray Township Hayride Ordinance."

SECTION 2. ENABLING AUTHORITY

This Ordinance is adopted pursuant to and in accordance with the provisions of Act 246, Michigan Public Acts of 1945, as amended.

SECTION 3. PURPOSE

The purpose of this Ordinance is to preserve the health, safety and general welfare of motorists, pedestrians, and operators and passengers of hayrides, using the highways, streets and roadways in the Township of Ray.

SECTION 4. DEFINITIONS

As used in this ordinance:

Section 4.1 The term "driver" or "operator" shall mean every person who has actual physical control of a vehicle used in the operation of a hayride.

Section 4.2 The term "hayride" shall mean any form of transportation carried out for purposes of entertainment, whereby passengers are transported in a wagon, flatbed truck or other similar vehicle and typically includes, but is not limited to, wagons pulled by tractors, horses or motor vehicles, and flatbed trucks using the open portion of a vehicle for carrying passengers.

Section 4.3 The term "highway" and "street" or

"roadway" shall mean the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

SECTION 5. PERMIT REQUIREMENTS; ISSUANCE

Section 5.1 No person shall operate a hayride on any highway, street or roadway within the Township of Ray unless such person has first obtained a written permit from the Township Clerk

Section 5.2 A person requesting a hayride permit as required in Section 5.1 of this Section must follow the procedures set out below:

A. A written application must be submitted by the operator of the hayride to the Township Clerk not less than twenty (20) days prior to the intended operation of the hayride.

B. The application must include the following information:

(1) The age of the applicant-operator,

(2) A statement by the applicant that the vehicle to be used for the hayride conforms to the requirements set forth in Section 7 of this ordinance,

(.3) A statement of the number of passengers, together with the operator, that will be participating in the hayride on the date specified in the application,

(4) A statement disclosing the intended route of the hayride,

(5) The application must be accompanied by an amount of money equal to the fee requirements set forth in Section 9.

Section 5.3 Within ten (10) days following the receipt of an application for a hayride permit, the Township Clerk shall notify the applicant as to whether the permit has been granted or denied. The Clerk's decision will be based solely upon the factors set forth in Section 5.4.

Section 5.4 The Township Clerk shall rule on the issuance of a hayride permit on the basis of the following factors:

A. The age of the applicant-operator,

B. Receipt of the permit fee as required in Section

9,

C. Whether the vehicle used for the hayride conforms to the equipment requirements set out in Section 7.

SECTION 6. SCOPE OF ORDINANCE

This ordinance shall apply only to the operation of hayrides on the roads, streets or highways within the Township of Ray, and shall not apply to the operation of hayrides on private lands. In addition, hayrides are absolutely prohibited on the following roads, streets or highways within the Township of Ray:

- (a) Romeo Plank;
- (b) North Avenue;
- (c) New Haven;
- (d) 26 Mile Road;
- (e) 29 Mile Road (except the easterly one mile of such road upon which hayrides will be permitted if in conformity with this Ordinance;
- (-f) 32 Mile Road.

SECTION 7. EQUIPMENT

A vehicle used in the operation of a hayride shall not be operated on any roadway, street or highway within the Township unless such vehicle is in compliance with the following requirements:

Section 7.1 If the vehicle used for carrying the passengers involved in the hayride is one that either contains its own electrical power source or is pulled by a vehicle having an electrical power source, such vehicle shall be equipped with lighted lamps so as to be readily visible at night time from all distances within five hundred (500) feet from the rear of the vehicle; such lamps shall emit a red color.

Section 7.2 If the vehicle does not contain its own electrical power source or is not pulled by a vehicle that contains such, the passenger vehicle shall be equipped with reflectors of such size and characteristics as to be readily visible at night time from all distances within five hundred (500) feet from the vehicle when directly in front of beams of oncoming head lamps; the reflectors shall emit or display a red color.

SECTION 8. AGE RESTRICTION

A permit shall not be issued to a person under the age of eighteen (18) years of age and shall not be transferable.

SECTION 9. FEES

The Ray Township Board shall, by Resolution, fix a

permit fee for issuance of a hayride permit. The fee shall be set in an amount representing the costs involved in the administration of this Ordinance.

SECTION 10. VIOLATION; PENALTY

Any person who violates the provisions of this Ordinance shall, upon conviction thereof, be subject to a penalty not to exceed Five Hundred (\$500.00) Dollars.

SECTION 11. REPEAL OF CONFLICTING PROVISIONS

All resolutions, ordinances or parts thereof in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed

SECTION 12. SEVERABILITY

if any section, paragraph, clause or provision of this Ordinance is for any reason held to be invalid or unconstitutional, the invalidity or unconstitutionality of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 13. PUBLICATION

This Ordinance shall be published in full in the ROMEO OBSERVER, a newspaper of general circulation in the Township of Ray, within thirty (30) days after its adoption.

SECTION 14. EFFECTIVE DATE

This ordinance shall take effect thirty (30) days from and after the date of publication of a true copy thereof in a newspaper circulating within the Township of Ray, as heretofore provided by Section 13.